

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

KARRY PEREZ, JOHN FITZGERALD,
KATHY CAPRON, MARK WADE,
JESSICA SHROPSHALL, and HADEL
TOMA, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

BRITAX CHILD SAFETY, INC.,

Defendant.

Civil Action No. 0:19-cv-01735-JMC

**JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Plaintiffs Karry Perez, John Fitzgerald, Kathy Capron, Mark Wade, Jessica Shropshall, and Hadel Toma, on behalf of themselves and others similarly situated (“Plaintiffs”), and Defendant Britax Child Safety, Inc. hereby jointly move this Court to:

1. Certify the Settlement Class for purposes of settlement only;
2. Preliminarily approve the Settlement Agreement;
3. Appoint Gary E. Mason of Mason Lietz & Klinger LLP, Charles Schaffer of LevinSedran & Berman LLP, and D. Aaron Rihn of Robert Pierce & Associates, P.C. as Settlement Class Counsel;
4. Appoint Plaintiffs Karry Perez, John Fitzgerald, Kathy Capron, Mark Wade, Jessica Shropshall, and Hadel Toma as Class Representatives;

5. Approve the direct email notice process described by the parties in the Settlement Agreement, including the timing for such notice;
6. Approve the Notice Plan in the form and manner proposed as set forth in the Settlement Agreement;
7. Set a hearing date and schedule for final approval of the settlement and consideration of Settlement Class Counsel's motion for award of fees, costs, expenses, and service awards; and
8. Stay all proceedings in this action pending the hearing for final approval of the settlement.

This Motion is based upon: (1) this Motion; (2) the Memorandum of Points and Authorities in Support of Joint Motion for Preliminary Approval of Class Action Settlement; (3) the Settlement Agreement; (4) the Declaration of Plaintiffs' Counsel Gary E. Mason filed herewith; (5) the Declaration of Plaintiffs' Counsel Aaron Rihn filed herewith; (6) the Declaration of Plaintiffs' Counsel Charles Schaffer filed herewith; (7) the records, pleadings, and papers filed in this action; and (8) such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: June 15, 2020

Respectfully submitted,

/s/ Harper Todd Segui

Harper Todd Segui
WHITFIELD BRYSON LLP
Federal ID No. 10841
900 W. Morgan Street
Raleigh, NC 27603
T: 919-600-500029
F: 919-600-5035
E: harper@wblp.com

Gary E. Mason
MASON LIETZ & KLINGER LLP
5101 Wisconsin Ave NW, Suite 305
Washington, DC 20016
T: 202-429-2290
F: 202-429-2294
E: gmason@masonllp.com

Charles S. Schaffer
Daniel Levin
LEVIN SEDRAN & BERMAN LLP
510 Walnut Street, Suite 500
Philadelphia, PA 19106
T: 215-592-1500
F: 215-592-4663
E: CSchaffer@lfsblaw.com
E: DLevin@lfsblaw.com

D. Aaron Rihn
ROBERT PEIRCE & ASSOCIATES, P.C.
707 Grant Street, Suite 2500
Pittsburgh, PA 15219
T: 512-214-7477
E: arihn@peircelaw.com

Attorneys for Plaintiffs

/s/ John F. Kuppens

John F. Kuppens
NELSON MULLINS RILEY &
SCARBOROUGH LLP
Federal Bar No. 5026
E-Mail:
john.kuppens@nelsonmullins.com
Jay T. Thompson
Federal Bar No. 09846
E-Mail:
jay.thompson@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-
1070)
Columbia, SC 29201
(803) 799-2000

Samuel W. Outten
NELSON MULLINS RILEY &
SCARBOROUGH LLP
Federal Bar No. 02943
E-Mail:
sam.outten@nelsonmullins.com
104 South Main Street / Ninth
Floor
Post Office Box 10084 (29603-
0084)
Greenville, SC 29601
(864) 250-2300

Lori B. Leskin (*admitted pro hac
vice*)
ARNOLD & PORTER KAYE
SCHOLER LLP
E-Mail:
lori.leskin@arnoldporter.com
Matthew Sachs (*admitted pro hac
vice*)
E-Mail:
matthew.sachs@arnoldporter.com
250 West 55th Street
New York, NY 10019-9710
(212) 836-8000

Paige Hester Sharpe
ARNOLD & PORTER KAYE
SCHOLER LLP
Federal Bar No. 13081
E-Mail:
paige.sharpe@arnoldporter.com
601 Massachusetts Ave, NW
Washington, DC 20001-3743
(202) 942-5000

*Attorneys for Defendant Britax
Child Safety, Inc.*